IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22694 of 2006

Dated: February 26, 2007

Between:

D. Venugopal Naidu, S/o. Abbaiah, aged about 69 years, R/o. Eguva Ragimanupenta, Bangarupalem Mandal, Chittoor District, and another.

… Petitioners

And

The District Collector, Chittoor, Chittoor District, and others.

… Respondents

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondents in not passing any orders on the representation dated 10-10-2006 submitted by the petitioners as illegal and arbitrary.

2. Petitioner No.1 claims to be the Chairman of the Building Committee who has donated land at Ragimanupenta Gram

Panchayat, Bangarupalem Mandal, Chittoor District, for construction of primary school about 30 years back. It is stated that the District Collector, Chittoor, who is the Chairman of Sarva Siksha Abhiyan scheme, has granted Rs.27 lakhs for construction of 10 rooms for Z.P. High School, vide proceedings dated 06-05-2006. It is also stated that Petitioner No.2 donated land worth about Rs.6 lakhs, to an extent of 30,000 Sq. yards, situated at Sy.No.12, Ragimanupenta Village, which is adjacent to the existing school building. The case of the petitioner is that respondents proposed to construct additional buildings near Ramarajupuram Colony, which is at a distance of 1 ½ Kms. from existing school building.

3. It is the case of the petitioners that the land in which additional classrooms are proposed to be constructed by the respondents is not at all convenient for the school going children and there is a burial ground nearby. It is stated that petitioner and other villagers made a representation to the respondents stating that the proposed site is not useful for construction of additional classrooms. Their grievance is that no action whatsoever has been taken on the said representation.

4. Respondents 1 to 3 filed counter affidavit stating that, for construction of classrooms under the scheme of Sarya Siksha Abhiyan, the site should be provided by the Mandal Revenue Officer or School Education Committee free of cost and thereafter construction work will be taken up by the SSA through its engineering wing. It is further stated that though a representation was made by the villagers of Ragimanupenta village stating that the proposed site is not suitable for construction of additional classrooms, however, in view of the dispute between two groups, the District Collector, Chittoor, instructed the Revenue Divisional Officer, Chittoor to enquire into the matter a submit

a report. Accordingly, a report was submitted stating that the land proposed to be donated by the petitioners is not a single piece and it is located at three different places in the village, which are not feasible for construction of school buildings. It is further stated that the land allotted by the Mandal Revenue Officer, Bangarupalem, is also located in the same village and is most suitable for construction of school buildings. It is also stated that petitioners filed a suit in O.S.No.735 of 2006 on the file of the learned II Additional Junior Civil Judge, Chittoor, with regard to same cause of action and interim orders were rejected in the said suit.

5. Though it is the case of the petitioners that they are ready to donate land for the purpose of constructing additional classrooms, it is to be seen that the land that they proposed to donate has been found unsuitable for construction of classrooms, as it is located in three different places. In any event, in matters of this nature, it is for the authorities concerned to finalize whether a particular piece of land is suitable for construction of school buildings, keeping in mind the interests of the student community at large. If petitioners are aggrieved by the action of the respondents in not constructing additional classrooms in the land they propose to donate, they can proceed with the suit they have already filed on the file of the learned II Additional Junior Civil Judge, Chittoor, but they cannot get their grievance redressed in this petition filed under Article 226 of the Constitution of India.

6. The Writ Petition is devoid of merits and is accordingly dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

February 26, 2007
N.B. Furnish C.C. in three days
B.O.
MRR